

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BRANDON CHRISHON POLK,

Plaintiff,

v.

STANLY COUNTY, *et al.*,

Defendant(s).

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1:22CV613

ORDER

This matter is before this court for review of the Order and Recommendation filed on February 23, 2024, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (ECF No. 51.) On March 15, 2024, Plaintiff filed objections to the Recommendation, (ECF No. 54), a supplement to his objections, (ECF No. 55), and a letter motion requesting an extension of time to respond to the Recommendation, (ECF No. 56). The court will grant Plaintiff's motion for extension of time and will treat Plaintiff's objections, and supplement to his objections, (ECF Nos. 54, 55), as timely filed.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report.¹ The court therefore adopts the Magistrate Judge's Recommendation.

¹ After the recommendation was entered, but prior to filing the objections, Plaintiff filed a document indicating "newly discovered evidence" of his injuries; that is, Plaintiff states that he has new medications "to help with anxiety and PTSD." (*See* ECF No. 53.) Along with the objections, nothing in this document alters the Magistrate Judge's findings.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (ECF No. 51), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's motion for extension of time, (ECF No. 56), is **GRANTED** and that Plaintiff's objections and supplement to his objections, (ECF Nos. 54, 55), are deemed timely filed.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment or Partial Judgment, (ECF No. 40), is **DENIED**, Defendants' Motion for Summary Judgment, (ECF No. 37), is **GRANTED**, and Plaintiff's claims against Defendants Stanly County, Stanly County Sheriff's Office, Stanly County Sheriff Jeff Crisco, Jarett Efird, Daniel Hunneycutt, Tom Morgan, Dalton Sells, Joseph Callicutt, and Francisco Porras are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant John Doe are **DISMISSED WITHOUT PREJUDICE**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 26th day of March 2024.

/s/ Loretta C. Biggs
United States District Judge